

ORDINANCE NO. 96 - 29

ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE NO. 96-3, KNOWN AS THE PALM BEACH COUNTY WASTEWATER FACILITIES USE ORDINANCE; PROVIDING FOR LOCAL DISCHARGE STANDARDS; PROVIDING FOR INDUSTRIAL WASTEWATER DISCHARGE PERMITS; PROVIDING FOR NOTIFICATION OF ACCIDENTAL DISCHARGE, UPSET OR BYPASS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF ORDINANCES AND LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Palm Beach County, through the Palm Beach County Water Utilities Department, owns, operates and controls a wastewater collection, transmission, treatment, and disposal system whereby industrial wastewater surcharges are assessed and pretreatment of wastewater is required and regulated; and

WHEREAS, the Board of County Commissioners of Palm Beach County enacted Ordinance No. 96-3 which a comprehensive ordinance detailing an industrial pretreatment program and regulating the usage of the Palm Beach County Water Utilities Department wastewater system; and

WHEREAS, in an effort to comply with regulations issued by the State of Florida Department of Environmental Protection, the Board of County Commissioners of Palm Beach County, Florida, desires to amend provisions of Ordinance No. 96-3 relating to prohibitions and limitations of discharge, industrial pretreatment and monitoring, and accidental discharge, upset and bypass; and

WHEREAS, the Board of County Commissioners of Palm Beach County deems this Ordinance to be necessary for the health, safety and welfare of the citizens of Palm Beach County and for the protection of the environment.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

SECTION 1: Section 12(c) of Ordinance No. 96-3 is hereby amended to read as follows:

(c) Local discharge standards. Any wastewater containing concentrations which exceed the following local discharge standards at the point of connection to the PBCWUDSS are prohibited:

PARAMETER

MAXIMUM ALLOWABLE CONCENTRATION
WITHIN A 24-HOUR PERIOD (mg/L)

Arsenic, As	0.26
BOD	
5	400.0
Cadmium, Cd	0.25
Chromium, Total, Cr(T)	5.0
Copper, Cu	2.0
Cyanide, C N	0.5
Hydrogen Sulfide	5.0
Lead, Pb	0.8
Mercury, Hg	0.1
Molybdenum, Mo	0.12
Nickel, Ni	1.0
Oil and Grease	100.0
pH (Standard Units)	5.5-9.5
Phenols	2.0
Selenium, Se	0.2
Silver, Ag	1.5
TSS	400.0
Temperature (Max.) Degrees	150.(F.)
Zinc, Zn	2.0

Additional parameters for Significant Industrial User's shall be developed on a case by case basis and this Ordinance shall be amended from time to time to provide for the addition of said parameters.

SECTION 2: Section 13(d) of Ordinance No. 96-3 is hereby amended to read as follows:

(d) Industrial Wastewater Discharge Permit. All prospective Significant Industrial Users shall apply for an Industrial Wastewater Discharge Permit prior to discharge into the PBCWUDWWS. The application contents and approval procedures shall be as set forth in the PBCWUD UPAP, as amended from time to time. The permit shall contain at a minimum, the following conditions:

- (1) Statement of duration;
- (2) Statement of nontransferability;
- (3) Applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record keeping requirements; and
- (5) Statement of applicable civil and criminal penalties.

The cost of said permit shall be incurred by the Significant Industrial User and shall be in accordance with the fee schedule as set forth in the PBCWUD UPAP, as amended from time to time.

1 The duration of the permit shall not exceed two (2) years and upon expiration of same, a renewal
2 permit may be issued which shall be effective for an additional two (2) years provided that the
3 conditions of the existing permit have not changed and the appropriate renewal fees have been paid.

4 The permit shall be displayed by the Significant Industrial User in such a location at the permitted
5 facility so as to be seen and read by the general public.

6 All significant Industrial Users discharging wastewater into the PBCWUDWWS prior to the
7 effective date of this Ordinance are hereby granted temporary authority to continue to discharge in
8 compliance with the existing codes, regulations, and policies of the PBCWUD. This temporary
9 authority shall expire ninety (90) days after the date of notification to the Significant Industrial User
10 by registered mail of the requirement for an application to be made for an Industrial Wastewater
11 Discharge Permit pursuant to this section, temporary authority shall expire on the date the Industrial
12 Wastewater Discharge Permit is issued or denied.

13 The Industrial Wastewater Discharge Permit shall be applicable only to the Significant
14 Industrial User, facility and address which is specified on the permit. Said permit shall not be
15 assigned, transferred, sold, moved to a different premises or, automatically cover any new operations
16 at the specified facility without the prior written approval of the Director. Any succeeding or new
17 Significant Industrial User shall notify the Director in writing within thirty (30) days of any change
18 of ownership or change of operations of the specified facility.

19 No Significant Industrial User shall discharge industrial wastewater in excess of the quantity,
20 rate of discharge, or quality as specifically set forth in the Permit. Any Significant Industrial User
21 desiring to modify his discharge shall apply for an amended Permit. The procedures to modify a
22 discharge permit or to appeal permit conditions shall be as set forth in the PBCWUD UPAP, as
23 amended from time to time. Issuance of an Industrial Wastewater Discharge Permit shall not relieve
24 the Significant Industrial User from complying with all applicable laws, rules, and regulations
25 promulgated by federal, state and other local government authorities, nor shall the issuance of said
26 permit be construed as a representation by the PBCWUD that the discharge permitted therein
27 complies with all such laws, regulations, and ordinances. Permits are issued solely to govern the
28 discharge of industrial wastewater into the PBCWUDWWS as between the Significant Industrial
29 User and the PBCWUD, and shall not be construed to benefit any third party. If another

1 municipality or a Significant Industrial User located within another service area contributes
2 wastewater to the PBCWUDSS, the PBCWUD shall enter into an interlocal agreement with the
3 contributing municipality to address pretreatment requirements in accordance with DEP Rule 62-
4 625, F.A.C.

5 **SECTION 3:** Section 13(e)(1)(e) of Ordinance No. 96-3 is hereby amended to read as
6 follows:

7 (e) Report to the Director within the permitted period any potential problems or any
8 significant change in the characteristics, nature, or volume of the discharge into the PBCWUDWWS.

9 **SECTION 4:** Section 14(b) of Ordinance No. 96-3 is hereby amended to read as follows:

10 (b) Notification of accidental discharge, upset or bypass. The Significant Industrial User
11 shall notify the Director of each and every accidental discharge, upset or bypass into the
12 PBCWUDWWS in accordance with the provisions set forth in the PBCWUD UPAP, as amended
13 from time to time. Said notification of accidental discharge, upset or bypass shall not relieve the
14 Significant Industrial User of any expense, loss, damage, or other liability which may be incurred
15 by said discharge and may include, but not be limited to, damage to PBCWUD facilities, property
16 or receiving waters. Enforcement action, including but not limited to fines or civil penalties, may
17 be imposed in accordance with this Ordinance. The Significant Industrial User shall limit the
18 production process until corrective measures have been taken to prevent additional discharge.
19 Significant Industrial Users shall establish affirmative defenses to discharge violations in accordance
20 with the procedures set forth in the PBCWUD UPAP, as amended from time to time.

21 **SECTION 5: SAVINGS CLAUSE**

22 This Ordinance shall not affect or impair the processing and implementation of any permit
23 issued pursuant to the provisions of Ordinance No. 96-3. All permits issued pursuant to Ordinance
24 No. 96-3, and the enforcement thereof, shall continue in full force and effect. Upon expiration of
25 an existing permit issued pursuant to Ordinance No. 96-3, the User shall apply for a new permit in
26 accordance with the provisions as set forth herein.

1 **SECTION 6: REPEAL OF LAWS IN CONFLICT**

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3 repealed to the extent of such conflict.

4 **SECTION 7: SEVERABILITY**

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any
6 reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the
7 remainder of this Ordinance.

8 **SECTION 8: INCLUSION IN THE CODE OF LAWS AND ORDINANCES**

9 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
10 Ordinances of Palm Beach County, Florida. The Sections of this Ordinance may be renumbered or
11 relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or
12 any other appropriate word.

13 **SECTION 9: EFFECTIVE DATE**

14 The provisions of this Ordinance shall become effective upon filing with the Secretary of
15 State.

16 APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach
17 County, Florida, this 17th day of September, 1996.

18 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

20 By April C. Smith
21 Deputy Clerk



[Signature]
Chair

22 APPROVED AS TO FORM AND
23 LEGAL SUFFICIENCY

24 By Dorothy H. Wilken
25 County Attorney

26 Filed with the Department of State on the 24 day of September, 19 96,
27 at N/A .M.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/17/96
DATED at West Palm Beach, FL on 10/2/96
DOROTHY H. WILKEN, Clerk
By: [Signature] D.C.